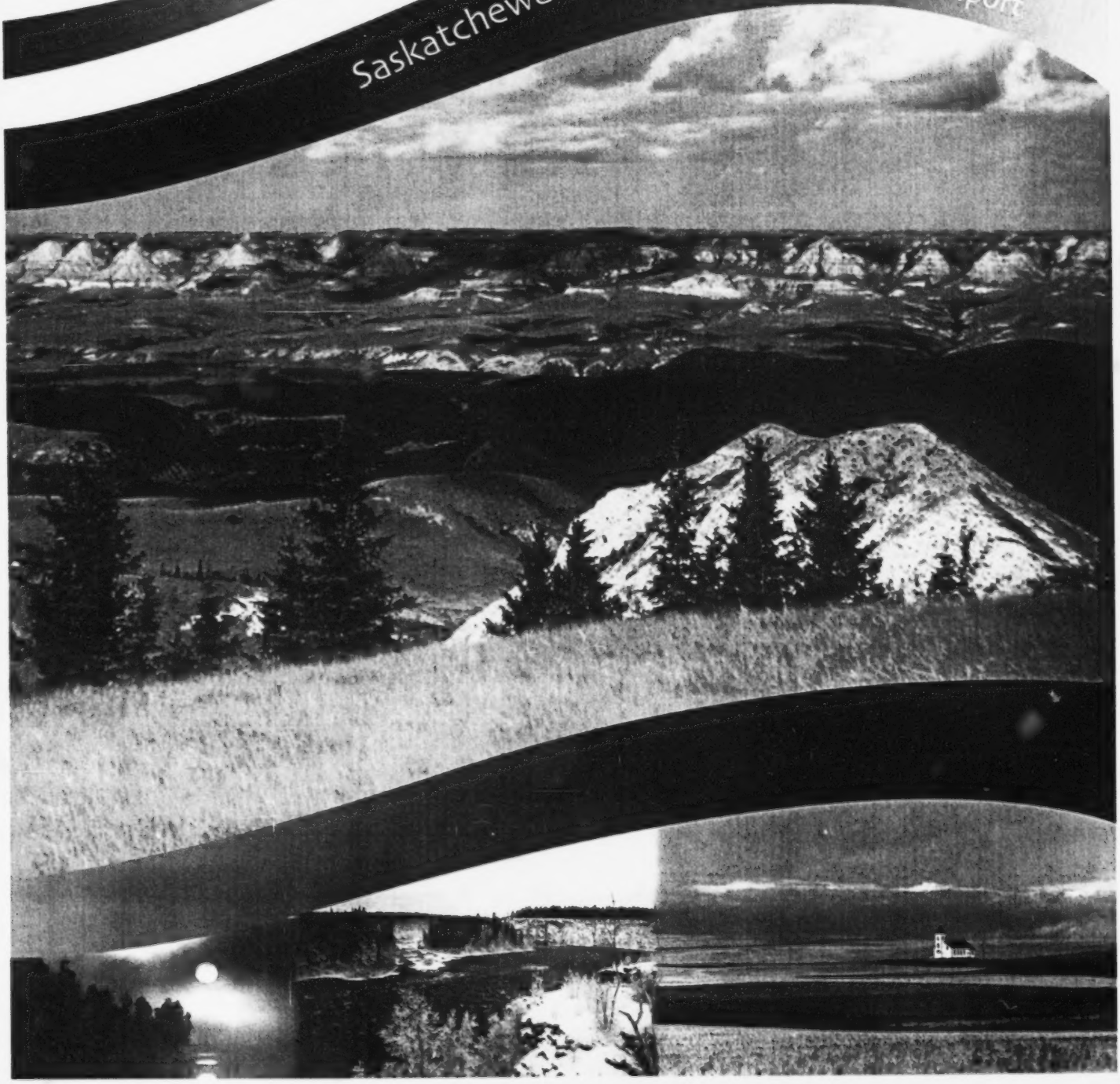
SASKATCHEWAN
HUMAN RIGHTS COMMISSION

# Saskatchewan Human Rights Commission
## 2007-2008 Annual Report



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Fisherman's Point on Candle Lake,
Joanne M. Abrahamson
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A Church in a Field near Gravelbourg
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Fast Moving Water near Anglin Lake
Hans Dommasch
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Sunrise over Anglin Lake
Hans Dommasch
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Frenchman Valley near Knolleys
W.O. Kupsch
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The McLennan River near Prince Albert National Park
Northern Saskatchewan Archives
Pahkisimon Nuye·áh Library System

Fond du Lac River near Stony Rapids
Northern Saskatchewan Archives
Pahkisimon Nuye·áh Library System

View of Swathed Field near Regina, 1952
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# Mission Statement & Goals

The Saskatchewan Human Rights Commission promotes and protects the individual dignity, fundamental freedoms and equal rights of all members of the human family.

The Commission's goals, derived from *The Saskatchewan Human Rights Code*, are to:

- Discourage and eliminate discrimination;
- Investigate and resolve discrimination complaints quickly and effectively;
- Support and seek remedies for individuals and groups who suffer discrimination;
- Promote, approve and monitor equity programs;
- Promote research and education strategies to advance the principles of equality and diversity, and to encourage understanding of human rights issues;
- Promote leadership on human rights related public policy development and implementation; and
- Promote advances in human rights legislation and protection.

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# Letter of Transmittal

June 2008

The Honourable Don Morgan, Q.C.
Minister of Justice
Legislative Building
Regina, Saskatchewan
S4S 0B3

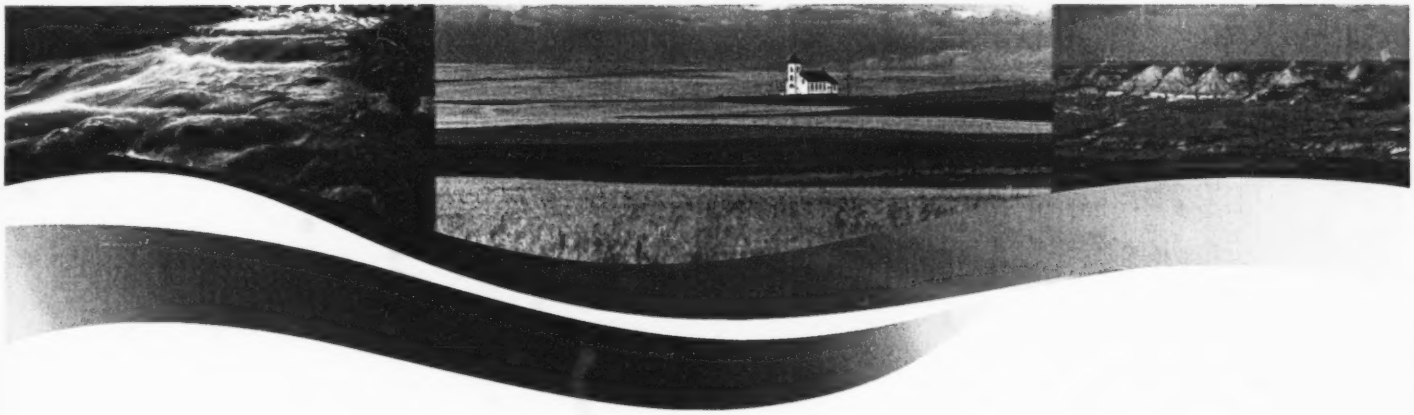
Dear Minister Morgan,

In accordance with section 49 of *The Saskatchewan Human Rights Code*, it is my privilege to submit to you the 2007-2008 annual report of the Saskatchewan Human Rights Commission.

This report reflects the activities of the Commission from April 1, 2007 to March 31, 2008.

Sincerely,

Marilou McPhedran
Chief Commissioner

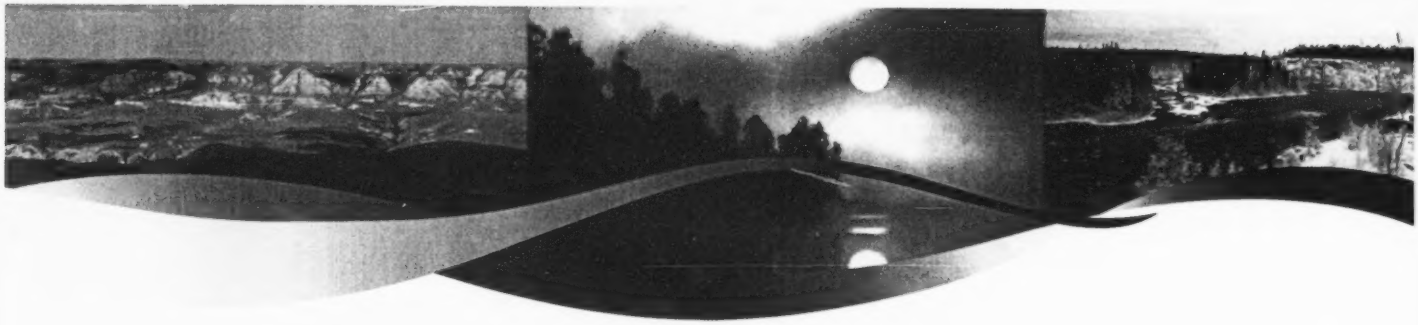


# Chief Commissioner's Message

Since my appointment to the Saskatchewan Human Rights Commission in 2007, we have accomplished much of what we set out to do. In presenting our 2007-2008 annual report, it is with tremendous pride and appreciation that I salute the dedication of my predecessors, colleague commissioners (pictured on page 22), Commission staff in Regina and Saskatoon, and the many Saskatchewan citizens who participated in the realization of human rights – as "lived rights" – not as just words in print.

As Chief Commissioner, it is an honour for me to carry on the human rights legacies of such notable Saskatchewan citizens as Tommy Douglas and John Diefenbaker, whose humanity and principles led our country in human rights action, as well as lesser known "grass roots" leaders, such as the first director of this Commission, Carol Geller, appointed in 1973. And while I believe that the citizens of Saskatchewan can be justly proud of this legacy of human rights leadership, it is also clear from the kinds of complaints we receive daily that these values are ones we must be diligent in protecting.

Entrenched, sometimes systemic, discrimination – often manifested as racism or xenophobia – is one of the greatest challenges facing us as a province, yet I am more optimistic than cynical. It's a new century, with two new international human rights instruments: the *Declaration on the Rights of Indigenous Peoples* and the *Convention on the Rights of Persons with Disabilities.* I was encouraged when seven municipalities chose to recognize March 21st as International Day for the Elimination of Racial Discrimination; on International Women's Day I was moved to see police officers walking side by side with Aboriginal women from the group Iskwewuk E-wichiwitochik to acknowledge Saskatchewan's missing Aboriginal women; I am excited by the education and employment equity partnerships we are building with governments, employers, communities and community-based organizations to promote respectful schools, workplaces and truly accessible public services.



"Where, after all, do universal human rights begin? In small places, close to home – so close and so small that they cannot be seen on any map of the world. ... Unless these rights have meaning there, they have little meaning anywhere. ..."

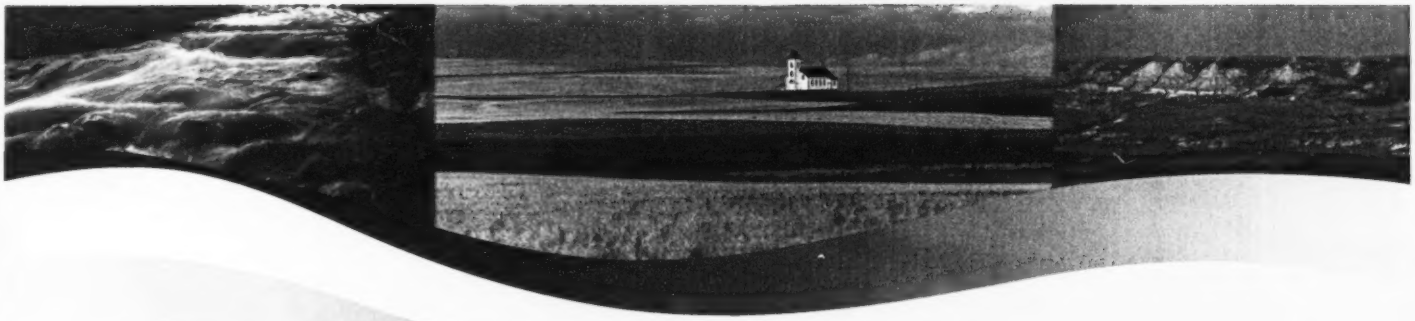
Eleanor Anna Roosevelt,
Founding Chair of the United Nations Human Rights Commission

Over 2007-2008, our public education and communications activities continued to raise the profile of human rights across the province, from Yorkton to Buffalo Narrows. Our mediators and investigators diligently addressed the average length of the complaint process, including frequently successful efforts to eliminate the backlog of complaints. Our legal staff grappled with the complex implications of the end to mandatory retirement and dissimilar court findings. And feedback on our Equity Program, now recovering from cuts, proved that equity can be a powerful tool for positive growth.

This past year brought in a new government. I salute both governing parties and ministers of Justice for their continued confidence. Since joining the Commission, I have worked primarily with Attorney General Don Morgan Q.C., whose support has been steadfast.

In the visual theme for this report, the diversity and beauty of Saskatchewan's landscapes are a metaphor for the many people who call this province home – the people for whom *The Saskatchewan Human Rights Code* was created to protect. We are a province poised for long term economic success – made all the more viable by investing in the richness of diversity and equality that delivers rights that can be lived every day – close to home.

Marilou McPhedran
Chief Commissioner



# Highlights & Current Issues

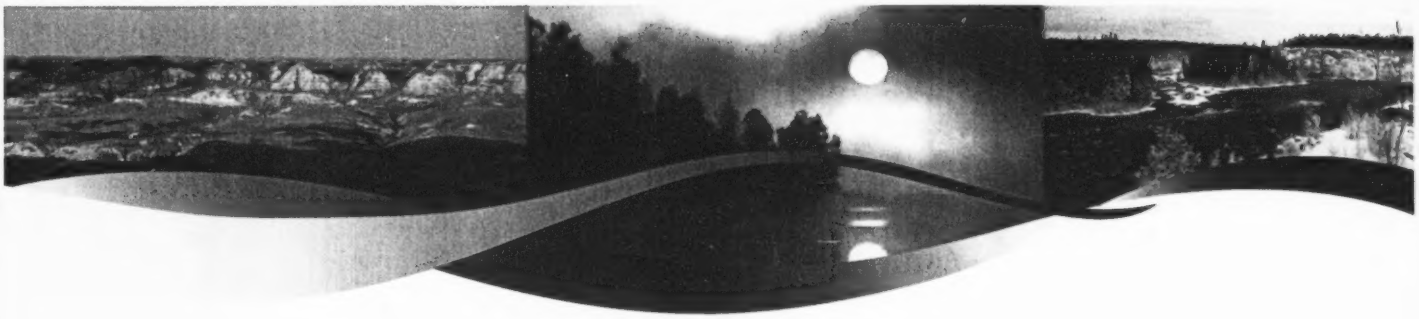
This year was one of transition and progress for the Commission. On November 1, 2007, Marilou McPhedran succeeded Donna Scott as Chief Commissioner after Ms. Scott was appointed a judge of the Provincial Court for Saskatoon. Deputy Chief Commissioner John C. Hill of Regina functioned as Chief Commissioner (Acting) for six months during the search for Ms. Scott's replacement.

During her first five months, Chief Commissioner McPhedran kept a high profile, responding to requests for her appearance at numerous events and recognizing a number of United Nations special days.

Chief Commissioner McPhedran introduces conference keynote speaker, Stephen Lewis, to Deputy Chief Commissioner John Hill and his wife, Trisha Delormier-Hill. Elsie-Bernadette Onubogu looks on.

## The Chains & Links Human Rights Activism Conference

Her first day on the job, Chief Commissioner McPhedran hosted Commission staff and others at the Chains & Links Human Rights Activism Conference. The conference was part of her responsibilities as Ariel F. Sallows Chair in Human Rights at the University of Saskatchewan's College of Law which she resigned from in order to take on her role as Chief Commissioner. The conference brought together members of the university community with local, national and international leaders using law, arts, technology and philanthropy as tools for positive social change. It provided students and other conference participants with close exposure to leaders from the private and public sector who are adept at turning words on paper into "lived rights."



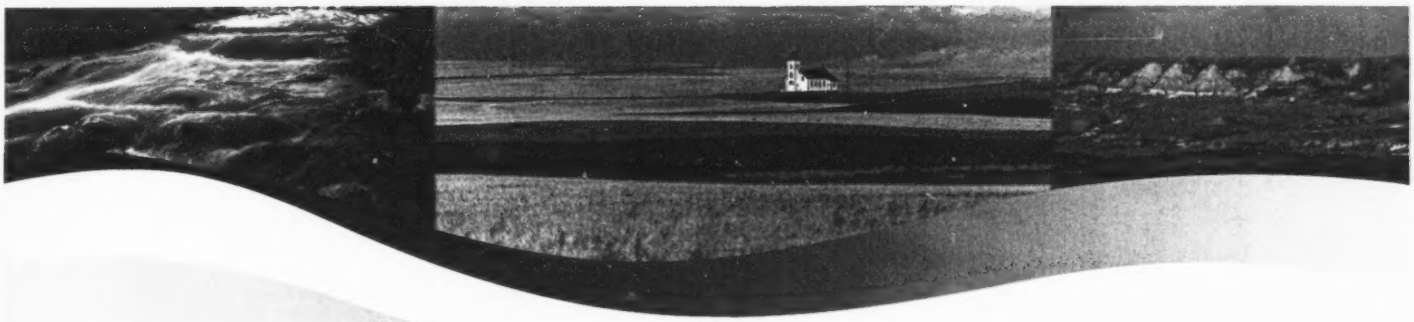
## Reaching Northern Communities

Since 2000, Commission staff has traveled with representatives of The Children's Advocate (CAO) and the Saskatchewan Ombudsman (OS) to northern communities to meet with community members, community-based organizations, and government representatives to help familiarize them with the mandate and role of each organization. During 2007-2008, the Commission continued to develop its approach to making its services more accessible to the people of the North.

In June 2007, staff members from the three agencies traveled to Stony Rapids where they were welcomed at a community meeting, and made visits to meet with staff at the Yutthe Dene Nakohoki Health Facility, the First Nations Child and Family Services, the Stony Rapids RCMP Detachment, and students and teachers at the Stony Rapids School. Feedback from the visits indicated that the services of all three offices are needed and encouraged regular visits.

In late November 2007, one of Chief Commissioner McPhedran's first activities was to travel to Buffalo Narrows for "The Northern Exchange Conference, Exchanging Ideas – Creating Partnerships," with Ombudsman, Kevin Fenwick, and staff from the offices of the SHRC, the OS, and the CAO. The conference was organized to train members of the public and community-based organizations, as well as government employees, to recognize situations where clients could be referred to the services offered by the three agencies. Informal visits to many businesses to provide information about each agency proved successful and reached an audience outside those attending the conference. Trip participants gained valuable insight into the kinds of concerns Northerners might have about referring people to the agencies. It was suggested that the agencies develop specific approaches for different audiences, such as for schools, community organizations, and government officials.

Chief Commissioner McPhedran with Elder Mary Hansen in Buffalo Narrows.



## Mandatory Retirement

In November 2007, the Government of Saskatchewan's legislative amendments to *The Saskatchewan Human Rights Code* to end mandatory retirement came into force. The *Code* protections are not absolute. Where an employer can demonstrate that an age limit is part of a genuine occupational requirement, the age limit will continue to apply. Employers currently enforce mandatory retirement in occupations such as firefighting and policing where advancing age relates to the ability to perform the duties required for the job. Individuals can also be forced into retirement if a pension plan requires retirement at a specified age as part of its bona fide qualifications for operation.

In February of 2008, the Supreme Court of Canada heard and reserved its decision in *New Brunswick Human Rights Commission v. Potash Corporation of Saskatchewan Inc.* in which an employee of the Corporation was required to retire in accordance with the PCS pension plan requirement that employees retire at age 65. The Supreme Court is expected to soon decide what criteria and standards are to be used to determine if mandatory retirement is necessary for the plan's operation.

It is anticipated that the Commission will continue to receive complaints about mandatory retirement as employers and unions alter their collective bargaining agreements, employment policies, and benefit plans to comply with the *Code* amendment to age.

## Employment Equity

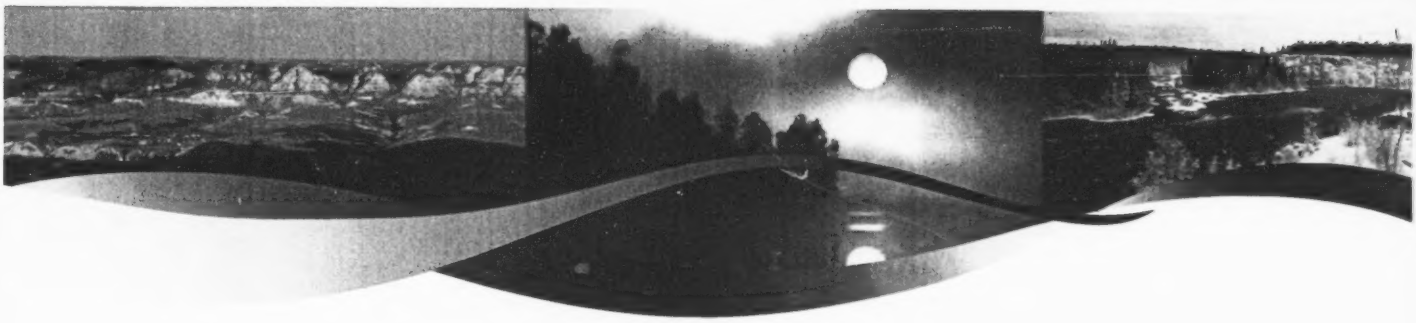
During 2007-2008, the Commission completed its first round of employment equity monitoring undertaken by the Commission since the launch of the new equity program in early 2007. The reports of equity employers contained many success stories. This was demonstrated most clearly with regard to Aboriginal people whose overall representation in the equity workforce was 9.0% in 2006-2007. This figure compares well with the representation of Aboriginal people in Saskatchewan workplaces without equity plans.

## Erasing Racism

In recognizing the International Day for the Elimination of Racial Discrimination, the month of March was busy for the Commission.

Chief Commissioner McPhedran presented the keynote address to the Saskatoon Police Service's March 21st breakfast, providing an overview of human rights history and the role of the SHRC. As one of the Commission's valued equity partners, the Chief Commissioner praised their success in increasing the diversity of their employees. She also noted the creation of the Saskatoon Police Advisory Committee on Diversity, which addresses the concerns of First Nations and Métis people, and other racialized groups.

At the request of Chief Commissioner McPhedran, and following the lead taken by the Minister of Justice, the cities of Regina, Saskatoon, Estevan, North Battleford, Moose Jaw, and Prince Albert declared March 21st as International Day for the Elimination of Racial Discrimination. The Commission also began its province-wide campaign to involve municipalities in the Coalition of Municipalities Against Racism and Discrimination (CMARD). The City



of Saskatoon has signed on to this UNESCO initiative which aims to establish a network of Canadian municipalities interested in sharing experiences in order to improve their policies to fight racism, discrimination, and xenophobia.

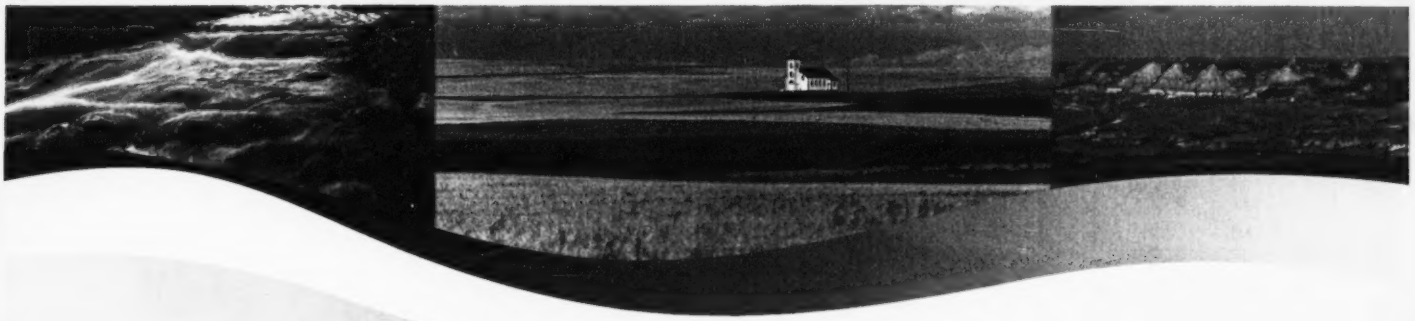
SHRC staff members attended Regina's Spring Free from Racism Family Day that celebrated Saskatchewan's unique cultural diversity. Staff members also attended the City of Saskatoon's annual "Living in Harmony" art and literary awards ceremony on March 20th at St. Mary Community School. The annual ceremony featured the 2008 Recognition Awards which acknowledge positive efforts by local organizations or individuals in promoting intercultural harmony in Saskatoon.

## International and National Cooperation

In the summer of 2007, Acting Chief Commissioner John Hill responded to the Government of Canada's decision to vote against adoption of the UN Declaration on the Rights of Aboriginal Peoples. In his letter, Mr. Hill characterized the UN Declaration as "an opportunity to begin the difficult task of undoing centuries of prejudice and discrimination." He went on to ask the government to reassess its understanding of the Canadian public's passion for promoting and protecting human rights, and to reconsider its position on adoption of the declaration.

Bill Rafoss, Supervisor of Mediations and Investigations, visited Kampala, Uganda, in early March to provide training to the staff of the new Southern Sudan Human Rights Commission. As part of a delegation organized by the International Centre for Human Rights and Democratic Development ("Rights and Democracy") in Montreal, he conducted training in "Best Practices in Investigations," and provided an overview on the role of national human rights institutions. He also met with the Chairpersons of the Uganda and Malawi Human Rights Commissions and visited a regional office of the Uganda Commission in Kampala.

Children celebrate at Regina's Spring Free from Racism Family Day.



# Education, Prevention & Community Partnerships

Chief Commissioner McPhedran and students join Mayor Atchison outside City Hall to raise a flag promoting cultural diversity month in Saskatoon.

In 2007-2008, the Commission provided 52 presentations to almost 1,800 people, expanded its public seminar series, launched two employer-focused electronic information services, and participated in 21 community projects and partnerships.

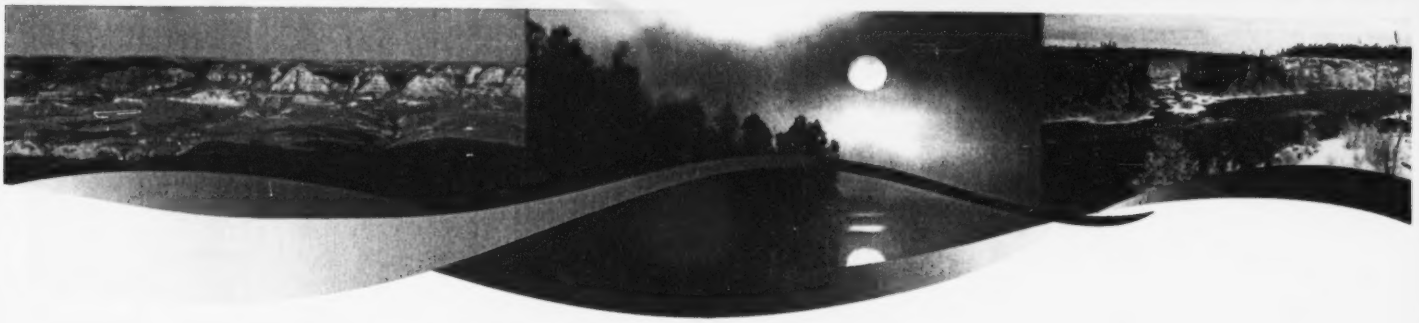
## New Educational Initiatives

Last year, the Commission entered into its first general educational partnership with another organization. On March 4, 2008, the Chief Commissioner and the Mayor of Saskatoon signed a *Public Education Agreement* between the SHRC and the City of Saskatoon. Although the two parties have collaborated on many educational projects in the past, the agreement is a formal commitment to working together in an ongoing way on educational, promotional, and communications initiatives that support cultural diversity and reduce discrimination.

In March, the Commission launched the *Welcoming Workplace Information Network (WWIN)*, an electronic information service for employers seeking to promote diversity and inclusion in the workplace. The WWIN bulletin will contain fact sheets, notices, links and other helpful resources that can be used by any employer. In March, the Commission also launched *Equity Notes*, a similar service designed for organizations with approved equity plans.

## Half-day Seminars

In May 2007, the Commission presented seminars on the duty to accommodate in the workplace to large audiences of employers, service providers, union representatives, and workplace advocates in Saskatoon and Regina. Presented by the Supervisor of Mediations and Investigations, these half-day events covered accommodation of gender, disability, religion, and other characteristics identified in *The Saskatchewan Human Rights Code*. Participants were introduced to the concepts of the duty to accommodate and undue hardship, and also discussed trends and principles that have emerged from the case law.



Megan Neufeldt and Krista McClelland of Minacs review accommodation case studies.

A high percentage of complaints and inquiries received each year by the Commission are related to discrimination in the workplace. In response, the Commission has developed an "Anti-Discrimination Policy Template." The template was introduced during the Winter 2008 Seminar Series on *Preventing Discrimination in the Workplace*, which focused on practical measures to prevent discrimination in the workplace and address it when it occurs. Participants were given guidance on how to draft an anti-discrimination policy tailored to the needs of their own organization and received a variety of support materials including tips on how to make the policy work, as well as advice on handling complaints internally. Despite temperatures as low as -51° C with the wind chill, the series proved popular.

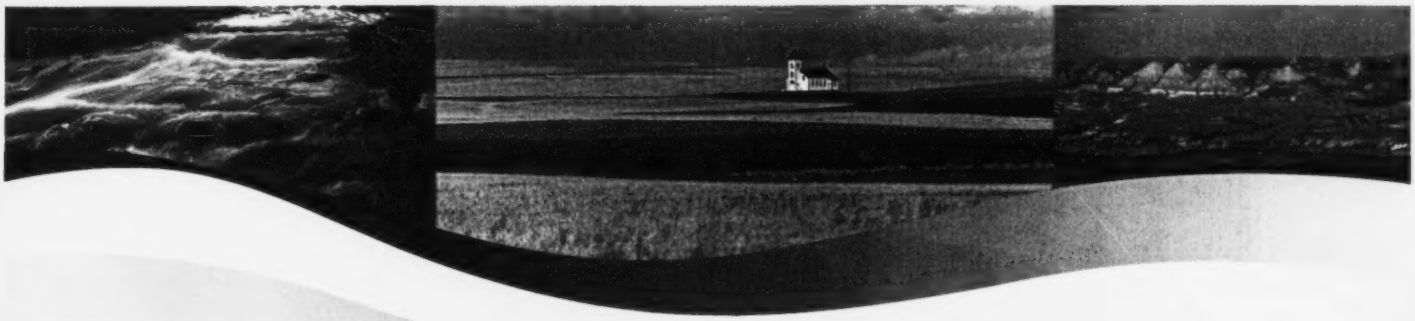
The Commission also expanded the geographical reach of its seminar series this year, presenting its popular introductory seminar, *Human Rights in the Workplace*, to a large and diverse audience in North Battleford and to a full house in Yorkton.

## Presentations on Request

In addition to its public, half-day seminars, the Commission provides some presentations on request. Human rights in the workplace and the duty to accommodate were popular topics in 2007-2008. Commission staff spoke to numerous organizations, employers, educational institutions, and unions, including the Canadian Union of Public Employees Health Council, the South Saskatchewan Independent Living Centre and the Department of Justice Studies at the University of Regina. Community organizations who work with new Canadians also look to the Commission to provide presentations on human rights to those who are unaware of such protections.

Helping people know and understand their human rights and obligations can sometimes lead to the Commission receiving a complaint from someone who has attended a public education event. One of this year's Tribunal hearings resulted from a woman attending a human rights seminar and realizing that she and some of her colleagues were being sexual harassed at their place of employment.

Stephen Kmiech, Director of the Drumming Hill Youth Centre, talks with other participants at the Human Rights in the Workplace seminar in Saskatoon.



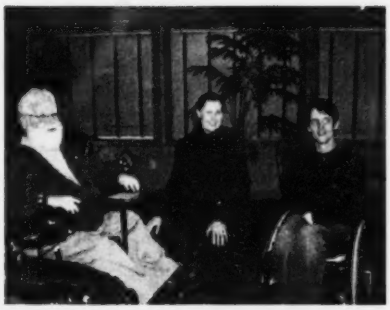
## Research and Policy Development Activities

Part of the Commission's mandate is to address and reduce racism. However, the Commission has been criticized for using the terms "race," "racial," and "visible minority" when fulfilling this duty. Consequently, the Commission organized public consultations in Regina and Saskatoon to seek the input of groups and individuals who may be affected by such a policy and who are "experts" on the day-to-day realities of "race" terminology. Further consultation will be conducted in 2008-2009.

In the fall of 2007, the Commission was approached by a number of community-based organizations asking the SHRC to clarify its position with respect to human rights protections for transgender persons. The Commission will respond to this request in 2008-2009.

## Community Outreach

In late November, the Commission presented three human rights workshops at the Saskatchewan Federation of Labour's "Building Equity Through Solidarity" conference in Regina. Chief Commissioner McPhedran gave a keynote speech exploring how unions and the Commission can help to build a welcoming, diverse and productive workforce in Saskatchewan.



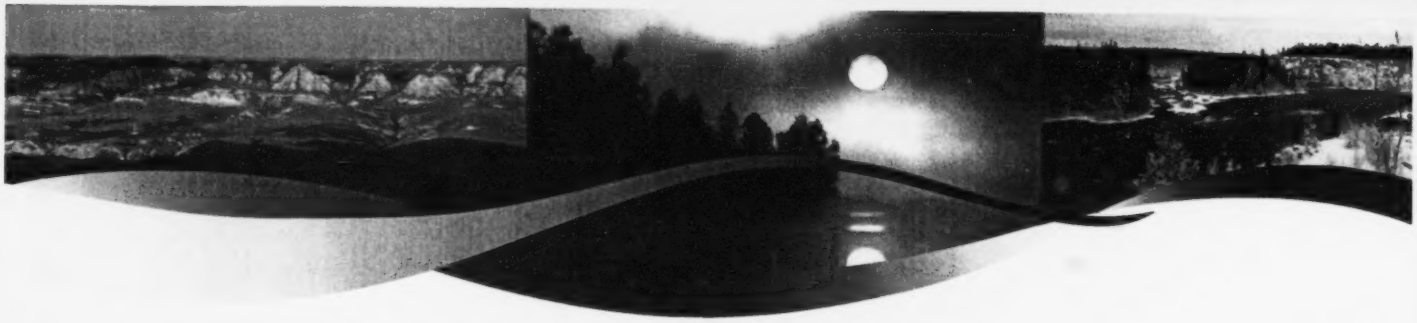
Chief Commissioner McPhedran with IDEA representatives Michael Huck (l) and Doug Tratch (r).

In recognition of December 10th, International Human Rights Day, Chief Commissioner McPhedran distributed a message which reflected on how, in a province as seemingly wealthy as Saskatchewan, not everyone experiences the same benefits or genuine equal opportunity.

At the request of the Chief Commissioner, the Minister of Justice declared December 10, 2007 as Human Rights Day in Saskatchewan. Saskatoon staff marked the day by joining with members of Iskwewuk E-wichiwitochik (Women Walking Together) and community-based organizations, individuals, and members of the Saskatoon Police Service on a walk to an Amnesty International event. A candlelight vigil was held in remembrance of the victims of violence around the world and of Canada's missing or murdered Aboriginal women.

Chief Commissioner McPhedran's address to the Bicentennial Celebration Banquet for Black History Month in February was well received. She spoke about the importance of citizens using law reform as a tool to bring about positive social change, using the abolition of slavery as a compelling example.

In February 2008, the Commission began discussions with representatives from the Individuals with Disabilities Equity Alliance (IDEA) of Regina on the development of an effective working relationship for the implementation of the UN Convention on the Rights of Persons with Disabilities. Canada has signed the Convention but not yet ratified it. IDEA Regina is a non-profit volunteer organization which works to improve the quality of life for people with disabilities in Saskatchewan.



Chief Commissioner McPhedran was invited to speak at the opening night of the University of Saskatchewan's Breaking the Silence conference in mid-March 2008. The theme of the GLBTTQ (Gay, Lesbian, Bisexual, Trans, Two-spirit, and Queer) conference was Celebrating Courage: Past and Present and the opening festivities celebrated the Committee to Defend Doug Wilson. The Chief Commissioner spoke briefly about the achievements of Douglas Wilson, a gay man who was discriminated against by the university because of his sexual orientation in 1975, before it became a protected ground.

Chief Commissioner McPhedran chats with conference organizer Don Cochrane and PFLAG representative Kay Williams.

## Working with the Media

The Commission contributed to several special features in the Regina Leader-Post and the Saskatoon Star Phoenix addressing days recognized by the United Nations.

- The Commission recognized December 3rd, International Day of Disabled Persons, with an ad which supported the rights of persons with disabilities to earn a living from freely chosen work, and to work in an environment that is both accessible and accepting.

- On March 8th, Chief Commissioner McPhedran's International Women's Day message reflected on the progress society has made in ending discrimination based on gender and assessed the challenges that remain.

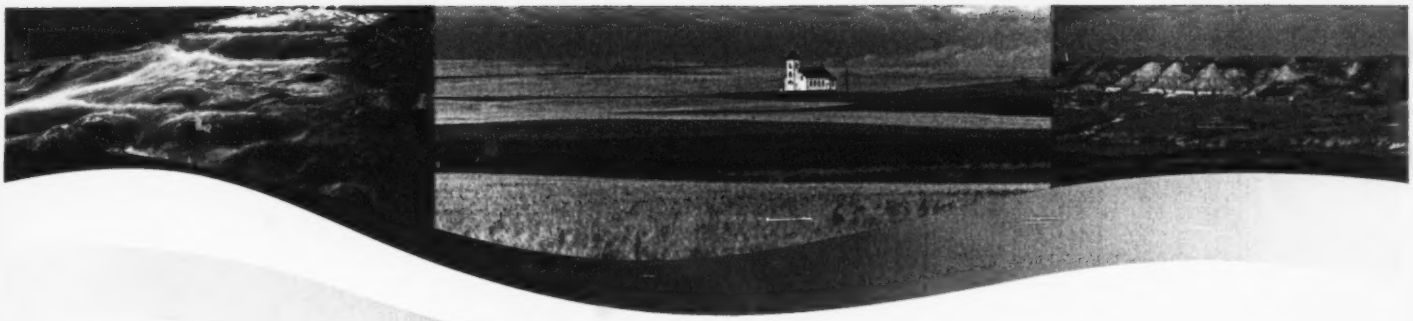
- In her March 21st message, the Chief Commissioner recounted the tragedy of the 1960 Sharpeville massacre in South Africa which led the United Nations to designate that day as International Day for the Elimination of Racial Discrimination. She went on to encourage the people of Saskatchewan to use their power to call for social change.

The Commission partnered with CTV and Global TV to use the winning student-produced videos from Heritage Canada's "Racism – Stop It!" campaign as public service announcements during the month of March. These thought-provoking productions invite youth to take a stand against racism.

The Commission issued news releases on selected decisions and settlements so as to improve public understanding of human rights and responsibilities.

## Goals for 2008-2009

- Continue to develop and enhance electronic educational services.
- Develop and enhance the Web site.
- Continue to develop and provide educational seminars and presentations.



# Equity within Workplaces & Learning Institutions

In 2007-2008, equity plans provided benefits to 37 employers with approximately 44,000 employees, to students in 10 post-secondary institutions, and to more than 100,000 students in the pre-kindergarten to grade 12 system.

Equity programs work hand-in-hand with the anti-discrimination provisions of *The Saskatchewan Human Rights Code* to achieve the *Code's* fundamental objective of equality in dignity and rights. These broad, proactive programs attempt to overcome the systemic disadvantages experienced by certain groups in order to provide them with genuine equality of opportunity in education and employment. In today's context of economic growth and rising labour shortages, equity programs can help all residents of the province make a positive contribution to and receive equal benefit from Saskatchewan's economic well-being.

Organizations with approved programs are known as equity sponsors or equity partners. To date, the Commission has approved employment and education equity plans to overcome the systemic disadvantages experienced by four equity groups: Aboriginal people, people with disabilities, visible minorities (racialized persons), and women. These groups, in particular, have historically been excluded from full participation in education and employment.

The Commission's equity activities were suspended in 2004 because of resource issues. Subsequent increases to the Commission's funding have made it possible for the SHRC to resume equity programming.

The Equity program uses partnerships, dialogue, flexibility, and innovation in order to remain effective and responsive to the new realities and current circumstances of its sponsors. The Commission launched a new electronic resource for equity partners in March 2008. *Equity Notes* is an electronic information service for sharing information, celebrating successes, and addressing common issues.

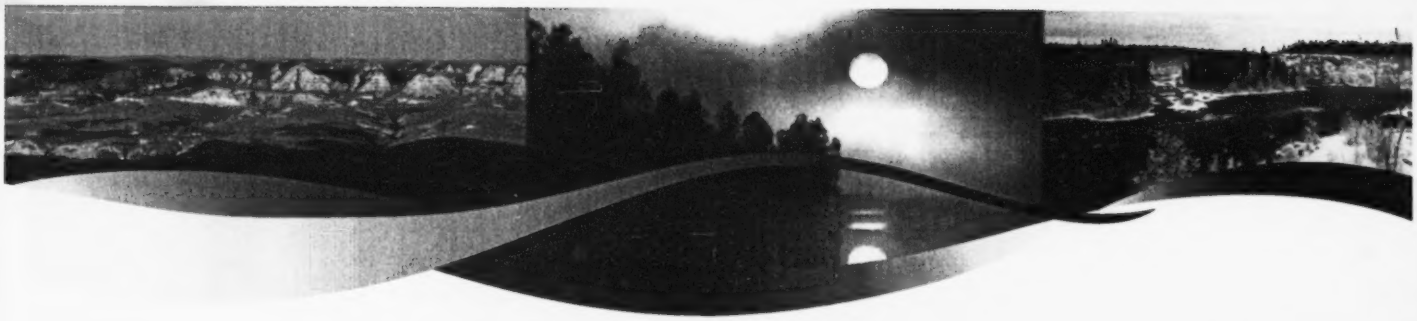
## Equity in Employment

The goal of employment equity plans is to create fair and inclusive workplaces. Employment equity can be an effective means of improving the lives of individuals who have traditionally been denied equality of opportunity and benefit in employment. In today's economic environment, it can also be an effective tool to help our province build a skilled and diverse workforce that draws upon the abilities of all its citizens.

One long-term goal of employment equity is a workforce that mirrors the province's working age population, at all levels and in all occupational categories. Last year's round of employment equity monitoring – the first since 2002-2003 – showed significant progress in some areas.

Sponsor reports showed that the overall representation of Aboriginal employees in the sponsor workforce (the combined workforces of all equity employers) increased to 9.0% in 2006-2007 from 7.8% in 2002-2003. Though this figure is still far from the representative workforce goal of 13.9%, it compares well with the representation of Aboriginal people in Saskatchewan workplaces without equity plans. The representation of Aboriginal people in the Saskatchewan workforce as a whole, for example, was 6.8% in 2006.

Visible minorities (racialized groups) represented 3.5% of the total



sponsor workforce in 2006-2007, which was higher than the province-wide goal of 3.1% but lower than the Regina and Saskatoon goals of 5.5% and 5.8% respectively. Women represented 37.5% of all managers, an increase from 33.2% in 2002-2003, but remained better represented in middle than in senior management. Persons with disabilities continue to be the most underrepresented equity group. Their representation actually dropped between 2002-2003 and 2006-2007, from 3.7% to 3.6%, far below their representative workforce goal of 9.7%. More focused actions are needed to ensure equitable work opportunities for persons with disabilities.

## Equity in Education

The Commission's Education Equity Program helps create learning environments which ensure all students receive maximum benefit and opportunity from the educational system. Plans focus on curriculum, school policies and practices, cross-cultural training, parental involvement, anti-discrimination measures and efforts to increase the representation of Aboriginal teaching and non-teaching staff.

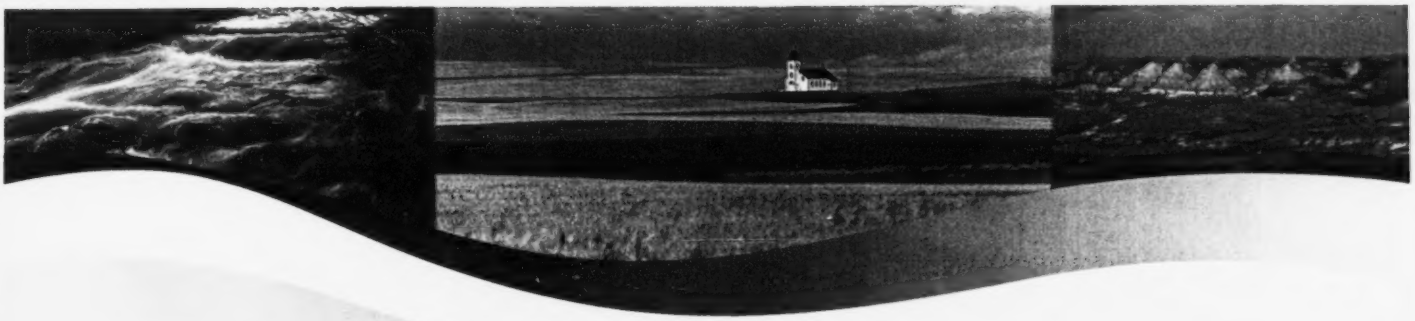
The Commission's education equity activities, like its employment equity activities, were suspended for several years because of inadequate resources. As it re-establishes the Education Equity Program, the SHRC will align its activities with Ministry of Education initiatives for greater efficiencies. The SHRC will re-establish education monitoring in 2008-2009.

Partnerships played an important role in education equity last year.

- The Commission worked in partnership with the First Nations and Métis Education Branch of the Ministry of Education to make Commission equity services available to a larger number of school divisions in the pre-K to 12 system.
- South East Cornerstone School Division was given approval in June 2007 for an education equity plan.
- In mid-March, the Supervisor of Public & Special Programs and the Saskatoon Equity Advisor helped facilitate the *Reclaiming the Learning Spirit* round table on adult learning for Aboriginal peoples sponsored by the Canadian Council on Learning and the Aboriginal Learning Knowledge Centre. The roundtable brought together adult learners from a variety of contexts with experts and leading practitioners to address the learning challenges affecting Aboriginal environments and communities.

## Goals for 2008-2009

- Re-launch the SHRC's Equity site.
- Re-establish reporting processes for education equity in the pre-K to 12 and post-secondary contexts.
- Continue to develop resources and supports for equity partners.



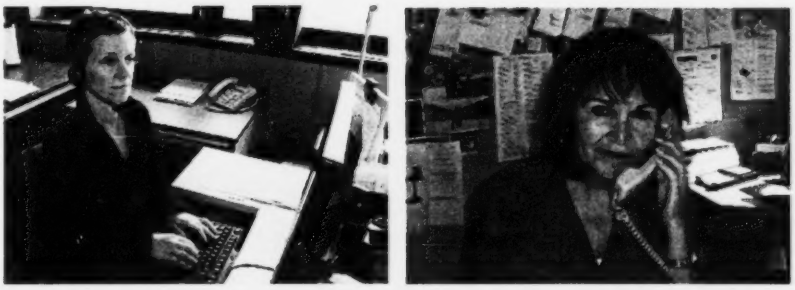
# Resolving Complaints

In 2007-2008, the Commission received 2,498 inquiries and opened 208 complaint files.

Staff of the Mediations and Investigations Unit of the Commission worked diligently throughout 2007-2008 to provide quality services to the public it serves. The number of cases brought to the Commission rose by 11%, putting additional pressure on staff to complete investigations. This resulted in a backlog of 20 cases waiting for assignment to an investigator at year end.

Staff members also found that the complexity of cases being brought to the Commission continued to increase. Many of these complaints asked the Commission to assess whether an employer's actions to accommodate an ill or injured worker were sufficient to meet their legal duty as prescribed by the Supreme Court of Canada. These investigations tend to be labour intensive and time consuming.

Almost one in three complaints received at the Commission were settled through the mediation and conciliation process, a number the Commission hopes to see increase. Early resolution of complaints through mediation and settlement enables the parties to address complaints in a faster and more cooperative manner than the investigation and hearing process.

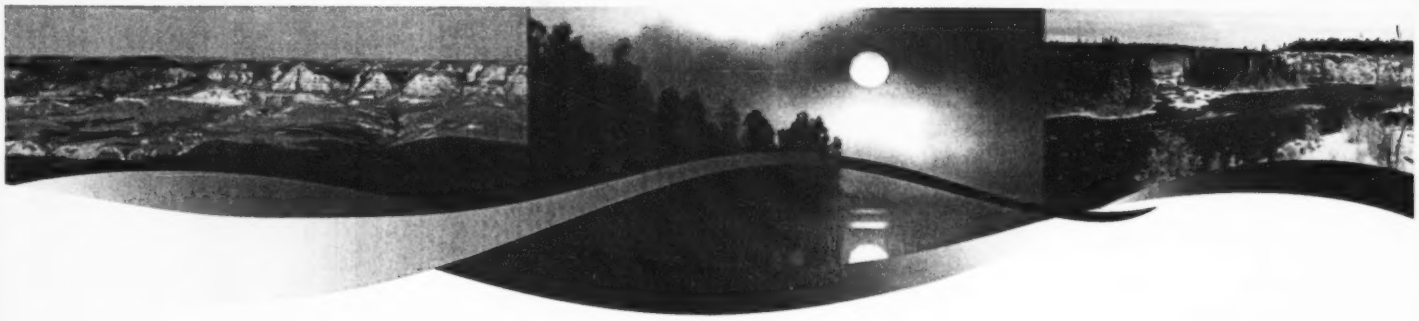


Intake consultants Kathy Upton (l) and Laurena Daniels (r) take human rights inquiries.

## Intake consultants play important role

Of the almost 2,500 inquiries received by the Commission's intake consultants over the course of 2007-2008, just 208 were formalized. This means that some 90% of inquiries are from individuals who are simply seeking information on their rights and responsibilities, such as an employer's duty to accommodate an employee with a disability or a family status situation. Intake consultants endeavor to answer these questions from the public in addition to assisting those with complaints to file the necessary documents. Intake consultants also provide potential respondents with helpful information on the state of the law and how the law might apply to the caller's situation.

Occasionally, intake consultants are able to help to resolve a potential complaint. For example, they may suggest that the caller gather documentation they can present to their employer or landlord in order to resolve an issue. In addition, intake consultants are familiar with other agencies in the community and often refer callers to those agencies for supplementary information or assistance.



## Finding solutions to systemic discrimination

The term "systemic discrimination" has been coined to refer to patterns of exclusion and disadvantage caused by systems, policies and practices. Inequality and discrimination do not result only from the deliberate actions of a few wrongdoers motivated by malicious prejudice. It flows from the accumulated effect of many years of doing things in particular ways that exclude and harm individuals and groups, often unintentionally.

Over 2007-2008, the Commission began development of a Systemic Advocacy Strategy (SAS) to deal with systemic human rights issues which cannot be dealt with solely by the Commission's traditional mechanisms - the complaint mechanism, public education and equity programs. Using an initiative-based process, the SAS will deal with broad human rights issues and those issues that risk remaining unaddressed. Staff reviewed the SAS proposal in December and presented it to the Commissioners in March.

In 2007-2008, the Commission was able to mediate settlement agreements between parties which resulted in finding a solution to a complaint of systemic discrimination.

- Finding systemic solutions for the accommodation of persons with disabilities by paratransit services is an issue for many cities across Canada. In August 2007, the Commission settled a complaint from a man with a disability against the City of Regina and the Regina Paratransit Service. The agreement resulted in the paratransit service changing its fee structure to ensure that its passengers enjoy the same variety of fares and discounts available to others, thereby reversing the adverse financial impact felt by persons with disabilities who rely on the Regina Paratransit Service.

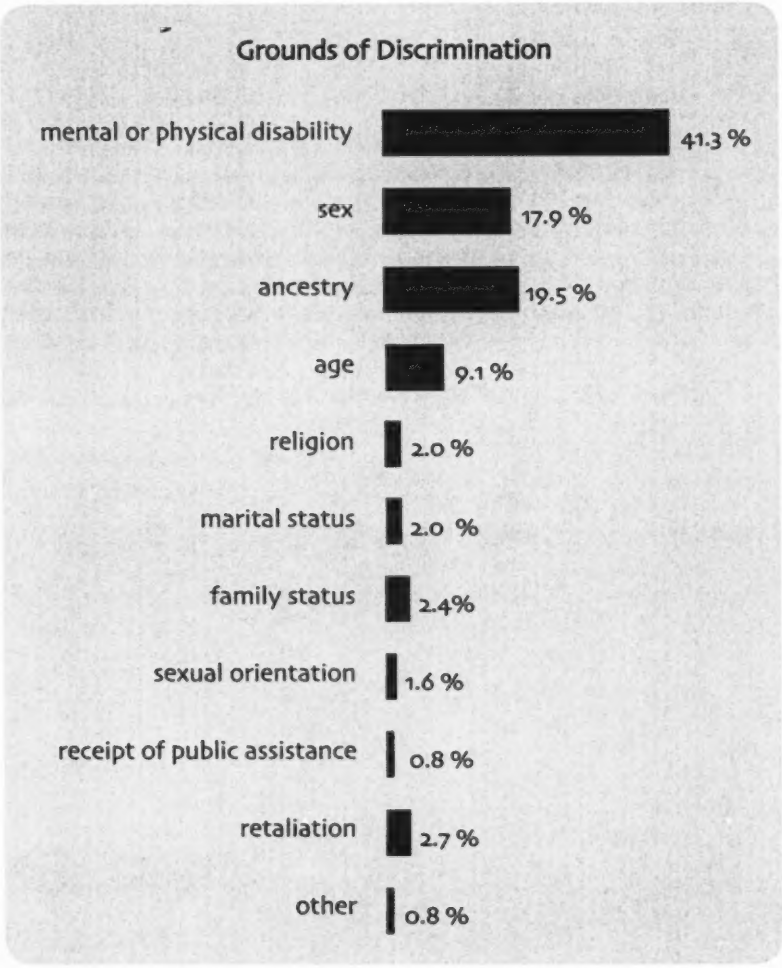
- Achieving gender equity in sports programs continues to challenge universities across the country. In April 2000, a community group known as Women 2000 launched a complaint with the Saskatchewan Human Rights Commission alleging the University of Saskatchewan's hockey program for women was inferior to that of the men's program. Issues raised in the complaint included less money spent on coaching the women's team and inadequate facilities. While many of the differences between the men's and women's athletic programs had already been addressed by the time a settlement was reached in early September 2007, the agreement ensures that Huskie Athletics is equitable to all athletes.

## Goals for 2008-2009

- Review the compliance procedures in both mediations and investigations to ensure they meet current legal requirements while providing timely service to the public.
- Reduce or eliminate the backlog of unassigned investigations.
- Increase the successful settlement rate to divert cases out of the litigation stream.

Provisions of the settlement include: hiring of a high-performance, on-campus women's hockey coach; increased funds for student athletic awards, distributed equitably among teams and genders; and equal recruitment funds granted to the operating budgets for both women's and men's hockey.

- After six years of requesting an automatic opening door at the fitness centre he frequents, a man who uses a motorized scooter for mobility filed a complaint with the Commission alleging discrimination based on lack of accessibility to a public facility. To settle the complaint, the respondent agreed to, and has installed, an automatic door on the front of the building. This provision means that other persons with mobility problems will be able to better access the facility.




## Trends

Disability complaints continued to dominate the Mediations and Investigations Unit in 2007-2008, with some 49% of complaints coming from persons with mental or physical disabilities. These complaints tend to address two issues: the duty on the part of employers to accommodate persons with disabilities within the workplace and physical access to employment facilities and public services.

Gender-based complaints and complaints based on ancestry were the next two highest categories of complaints. The Commission still receives many complaints related to pregnancy discrimination despite this type of discrimination being prohibited since 1979.

# Settlement Summaries

## DISABILITY

### Non-accommodation of workplace injury results in complaint

A long-term employee of a crown corporation, who sustained a back injury at work, alleged that his employer discriminated against him because of disability. The employee, who suffers from tendonitis, a hernia, depression, and chronic pain as a result of the injury, requested light duty to accommodate his injuries. Although his request was supported by medical documents, his employer ignored the documentation and refused to accommodate him. To settle the complaint, the complainant agreed to accept $7,500 in compensation, while the respondent agreed to promote a harassment policy to create awareness in their workplace.

### Woman alleges discrimination because of mental disability

A woman with a disability related to workload pressures alleged that she was discriminated against because of her disability when she was terminated from her job. She had been employed for almost five years by her employer, during which time she worked two half-time positions at two locations. In August 2005, she began working full-time at one location but this became too much for her and she asked to be returned to her former arrangement. After taking a four-week leave, she returned to work with a doctor's note stating that she could not return to work under the previous conditions, and that unless the conditions improved she would have to return to the former arrangement. Her supervisor then terminated her. In settling the complaint, the respondent agreed to pay the complainant $7,500 as compensation for injury to feelings, $2,285 for legal expenses, and $85 for professional services incurred. In addition, the respondent agreed to pay the complainant $500 to be donated to the Canadian Mental Health Association (Saskatchewan Branch) on behalf of the respondent. The respondent also agreed to post an anti-discrimination policy in the workplace to creative awareness around issues of human rights and discrimination.

### Providing false information to disability claim inquiry results in $5,000 settlement

An employee working for a furnace and duct cleaning company was injured and required a medical leave. The leave necessitated an insurance consultant to make inquiries at which time he was told that the employee's status was only temporary and that his employment was ending at the end of the month, when in fact he was in a permanent, full-time position. This resulted in the employee losing his benefits. When the complainant confronted his employer about providing the false information, the complainant was told that someone had already been hired to replace him, that the employer didn't have time to fill out the insurance forms, and that the employer couldn't be bothered to provide the injured employee with a graduated return to work. In settling the complaint, the complainant agreed to accept $5,000 in compensation for injury to feelings, a verbal apology offered by the respondents, and a positive work reference.

### Grocery store changes employee's hours despite disability restrictions

An employee working for a grocery story had a disability which restricted the hours he was able to work. Despite knowing the medical conditions behind the restricted hours, the store manager switched the employee's hours from days to evenings which resulted in the employee being unable to attend work. The employee was then switched to another position which required him to take a substantial wage cut and a loss of seniority. The complainant alleged that he could have been reasonably accommodated with a position in his original classification and that his employer discriminated against him on the basis of his disability by refusing the accommodation. The complaint was settled after the employee was accommodated into a daytime position and, though unable to work nights, is treated as an available-anytime employee and paid as a food specialist. The respondent also agreed to credit the complainant all of his lost seniority, plus accrual since the accommodation commenced. The complainant agreed to accept $7,000 as compensation for injury to feelings.

## SEX (PREGNANCY)

### Termination of pregnant employee based on speculation results in complaint

A woman working for a fast food outlet alleged that she was terminated from her job after her employer found out she was pregnant. The employer allegedly speculated that she would be calling in sick a lot and that her pregnancy might impede her ability to do her job. In settling the complaint, the respondent agreed to pay the complainant $2,250 for injury to feelings.

### Cut to pregnant employee's part-time hours negatively affects maternity benefits

After a woman working for a travel agency announced her pregnancy, her part-time hours were cut back to the point where she was unable to obtain the necessary hours to become eligible for maternity benefits. As a result, she had to return to work shortly after giving birth in order to gain those hours. After doing so, she notified her supervisor she would be taking maternity leave but was told she was being terminated from her job due to poor performance. In filing her complaint, the employee alleged that her pregnancy and leave were contributing factors and that her employer had discriminated against her by reducing her hours and terminating her from her job. The complaint was settled when the respondent agreed to pay the complainant $2,448 for lost wages and benefits, and $2,552 for injury to dignity. The respondents also agreed to provide the complainant with a letter of reference approved by the complainant and to refer all potential and future employers to the corporate respondent's regional human resources director who will respond to enquiries in a way which is consistent with the letter of reference.

## SEX (PREGNANCY) AND DISABILITY

### Discrimination during and after pregnancy leave costs employer $90,000

A woman working for a crown corporation alleged that she was discriminated against on a number of accounts while pregnant, following her maternity leave, and on a subsequent leave for medical reasons. She alleged that she was first stripped of her job responsibilities before her maternity leave and that when she returned to work following her leaves she was not returned to her original position as required under the *Saskatchewan Labour Standards Act* and *The Saskatchewan Human Rights Code*. She was allegedly told by one vice-president that she was being "punished for going away for a year" and "that there was a difference between law and reality." She was then assigned to a position for which she had no experience or background. When she filed a formal complaint with the corporation's discrimination committee, it agreed that errors had been made with respect to her reinstatement but it refused to review her complaint any further and no action was taken against those involved. At that point, the complainant alleged the corporation retaliated against her by refusing her any further vacation or sick leave until she resolved the complaint. She believed the corporation was hoping she would resign or that they would be able to find reason to dismiss her. The complainant was finally terminated after she requested a vacation leave to get a break from the tension in the workplace. In settling the complaint, the respondent agreed to pay the complainant $74,000 in severance payment as compensation for loss of income and benefits, and $7,500 as compensation for injury to self-respect. The respondent also agreed to pay the complainant $8,800 for legal fees and to provide her with a letter of reference based on her merits, without any reference to the alleged complaint or surrounding circumstances.

## SEX (GENDER) AND RELIGION

### Complaint of women denied a tubal ligation settles for $7,875

A woman lodged a complaint with the Commission after she was denied access to a tubal ligation by a hospital owned by a Catholic corporation. The hospital's Board of Directors had adopted a policy of disallowing tubal ligations to bring its operations in line with Catholic teachings. The complainant alleged that the hospital discriminated against her on the basis of her gender and religion by denying her a public service. In settling the complaint, the complainant agreed to accept $7,875 as compensation.

## SEXUAL ORIENTATION

### Gay man harassed after refusing to work on anti-gay marriage campaign

A gay man working in the customer service department of a marketing company was assigned to an anti-gay marriage survey looking for pledges for a bill to be presented to the Parliament of Canada that supported the end of gay marriages. When the complainant told his boss he could not or would not work on the campaign because he was gay, his boss told him he might not be able to keep him on as an employee. Although he was put back on the campaign he had previously been working on, he was heavily monitored and told three times he might be let go. The complainant then quit. He filed his complaint alleging that he had been discriminated against in the terms and conditions of his employment because of his sexual orientation. In settling the complaint, the complainant agreed to accept $1,500 for injury to self-respect.

## FAMILY STATUS

### Mother and son without father not considered to be "family"

A married woman and her son were denied the use of a coupon from a photography studio because her husband was not with them. The complainant alleged that she had been discriminated against on the basis of family status when she was told the studio would only honour the coupon if a husband, wife and children were involved. In settling the complaint, the complainant agreed to receive $75, the cost of the portrait sitting, and an apology in acknowledgement of injury to self-respect.

## ANCESTRY

### Racial profiling alleged in police treatment of man of African ancestry

A man of African ancestry was surrounded by police officers after arriving home from work and exiting his car. Pointing their guns at him, he was told to lie on the ground where he was handcuffed. His car was then searched. He was told they suspected someone who was "Black" was going to be dropping off drugs at a house down the street. When the handcuffed man asked if the suspect's car was the same as his, the answer was "no." His complaint to the Commission alleged that he had been a victim of racial profiling because of his ancestry and colour. The complaint was settled after the complainant agreed to accept $5,000 as payment made "in sensitivity" for what he encountered. The complainant also agreed to accept a verbal apology and explanation provided by the respondents at a mediation meeting. Both the complainant and respondent agreed to work cooperatively to develop a joint public communications strategy to ensure clear public messaging.

### Woman refused service at grocery store is invited back

When an Aboriginal woman attempted to buy mouthwash at a grocery store, she was refused service and told, "you guys are not allowed to buy" the product. After leaving the store, a person who identified himself as the owner approached the complainant and told her she was no longer welcome at the store. The complainant filed her complaint alleging discrimination based on ancestry in obtaining a public service. The complainant withdrew her complaint after finding out that the person who affronted her was not an employee and after accepting an apology from the real owner who welcomed her back to the store.

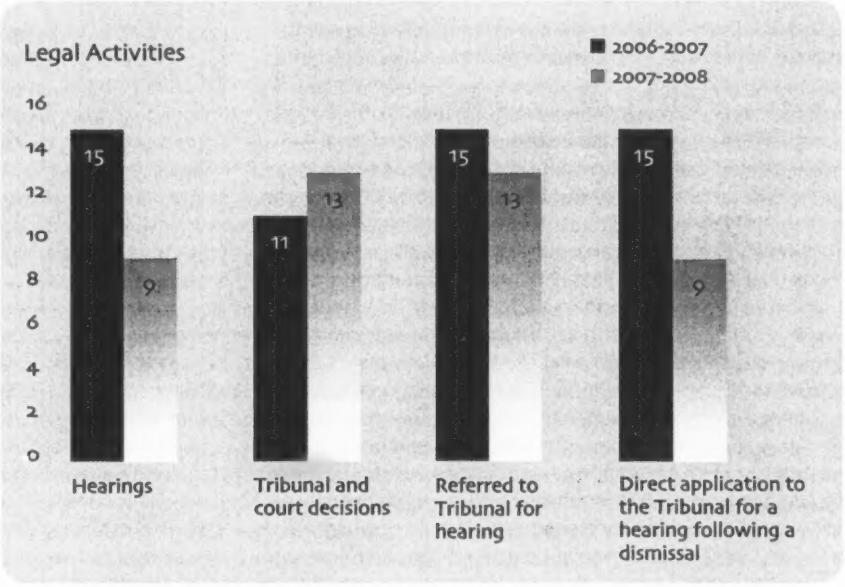
### Manager harasses employee because of ancestry

A man of African ancestry alleged he was subjected to differential treatment and derogatory remarks about his ancestry and colour by his manager. He was initially refused the job by the manager but later hired by the owner of the company. The complainant alleged that the manager told him he had "a small brain" and that he should "go back to where he came from." Such treatment resulted in a conflict which led to the termination of his employment. In settling, the complainant agreed to accept $2,000 for lost net wages and damages to his feelings, dignity and self-respect. The respondents also agreed to provide a written letter of apology and to amend the complainant's record of employment by removing comments regarding the conflict which resulted from the manager's behaviour. The respondents also agreed to adopt and implement an anti-discrimination and anti-harassment policy to be provided to all existing and new managers and employees. In return, the complainant agreed to withdraw his complaint from the Saskatchewan Labour Standards Branch.

# Tribunal and Court Decisions

The Commission participated in nine hearings in 2007-2008.

*The Saskatchewan Human Rights Code* authorizes the Commission to accept and attempt to resolve complaints of discrimination, but the Commission does not have the statutory authority to order remedies to a human rights complaint or to penalize a person who has violated the *Code*. Its role and powers are often confused with that of the Saskatchewan Human Rights Tribunal, the independent judicial body which conducts public hearings of complaints that have been referred to it by the Commission. The two are separate and independent agencies.




TRIBUNAL DECISIONS:

*Tammy Michelle Evans v. Vasilios Karava and Mr. Ribs Family Restaurant*
June 12, 2007

Tammy Michelle Evans complained that she had been discriminated against on the basis of sex. She said that during her brief employment as a waitress at Mr. Ribs Family Restaurant she was sexually harassed. Evans said that she was subjected to unwanted and unwelcome comments and touching of a sexual nature. The Tribunal found that the complainant's claim of verbal harassment and discrimination was made out but dismissed her claim of physical touching. The Complainant was awarded $230 for wage loss, $2000 for injury to dignity and the Respondent was ordered to cease contravening the *Code* and to cooperate with the Commission in posting anti-discrimination material in his place of business.

*Dale Merrick v. IPSCO Saskatchewan Inc. and United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, Local 5890*
August 29, 2007

The Tribunal's decision on disclosure of medical and counseling information determined that Merrick's privacy interests did not outweigh the employer's entitlement to the information where that information was necessary in order to ensure the proper disposal of the litigation. The Tribunal ordered the records be released to the Tribunal member to ensure that all irrelevant material was removed prior to disclosing the record. Conditions were also placed on the review, reproduction and retention of the records. The hearing on the merits of the complaint concluded in February of 2008 and a decision is pending.

*Ronald Pritchard, Lorna Pritchard, Bradley Pritchard and Rachel Pritchard v. United Enterprises Ltd. et al*
August 30, 2007

The Saskatchewan Human Rights Tribunal found that the complainants experienced discrimination based on their Aboriginal ancestry when they were denied access to Bennigan's Dining Room and Lounge in North Battleford. The Pritchards were forced to leave when an employee saw Ronald Pritchard stumble and assumed he was intoxicated and that they would be problem customers.

The Tribunal found this conclusion was reached on the basis of subtle stereotyping and preconceptions about the Pritchards arising from the fact they are Aboriginal. The Tribunal ordered the corporate respondent, United Enterprises Ltd., to pay $1,000 each to Ronald and Lorna Pritchard and $500 each to Bradley and Rachel Pritchard. The company was also ordered to establish a policy and procedure which would assist it to conduct business in a manner which recognizes individual dignity.

*Marjorie Starr v. Karcher Holdings Ltd and Glenn Olson*
September 28, 2007

A Tribunal determined that Marjorie Starr, a person of Aboriginal ancestry, had experienced discrimination by her landlord, Glenn Olson, when he made a derogatory remark about Aboriginal persons during a conversation with Starr about her rental arrangements. The Tribunal found the corporate owner of the rental premises and Olson jointly liable and ordered payment to Starr of $2,000 for injury to dignity.

*Louise Carlson v. Saskatoon Public Library Board and CUPE Local 2669*
October 24, 2007

The Saskatchewan Human Rights Tribunal ruled that the mandatory retirement provisions of the Saskatoon Public Library's collective bargaining agreement which forced Louise Carlson to retire at age 65 did not discriminate against her on the basis of age. The Tribunal found that although Carlson had been subjected to age discrimination, the discrimination was justified. It said that Carlson's case could not be distinguished from the precedent set by the Supreme Court in a 1990 case (*McKinney v. The University of Guelph et al.*) to justify a different outcome. The Court in *McKinney* determined that age discrimination caused by mandatory retirement was justifiable because the labour market, pension benefits, and social security schemes had traditionally been organized around a retirement age of 65. The Commission has launched an appeal of this case.

*Robin East v. the Chief Electoral Officer for Saskatchewan*
November 9, 2007

Robin East, a blind man, filed a complaint against the Chief Electoral Officer following the November 2003 election. He complained that the template, which was placed over the ballot to help sight-impaired voters place their "x" on the ballot, was defective. East also sought to have Braille information accompany the ballot so that he could cast his vote independently. The 2003 election procedure required that the complainant receive help from another individual to read the names of candidates and to ensure the ballot was properly placed in the template. The Tribunal found that East did not establish a case of discrimination. It noted that, although the voting procedure had not been improved in 26 years and was less than ideal, it could not be said that East's suggested improvements would ensure his ability to vote independently. The Tribunal determined that he would still require assistance to ensure that the ballot was correctly placed in the template. The Tribunal stated that if it was incorrect and a case of prima facie discrimination had been established it would accept that the time constraints between candidates filing nomination papers, and advance polls opening was insufficient to allow for Braille translations. The issue of whether the Government of Saskatchewan could provide a Braille ballot or electronic voting was not before the Tribunal. The Commission has not been appealed this decision but will continue to work with members of the disabilities communities to promote voting practices which allow all citizens to cast their votes freely and independently.

*Leah Hawman v. Battlefords School Division #118*
January 11, 2008

Leah Hawman complained that she was discriminated against in employment when the Battlefords School Division terminated her employment while she was on sick leave. The Tribunal concluded that the school division "did not patiently and diligently pursue its duty to accommodate the complainant and terminated the complainant at a time when she suffered from a disability." Hawman was awarded $1,782 compensation for lost wages and $5,000 for injury to dignity and self-respect.

*Michelle Ollinger v Akula Subs Ltd., TBMB Holdings Inc. and Chris Bauer*
February 26, 2008

On November 28, 2003, Michelle Ollinger, a manager at a Subway outlet in Regina, fell while at work which resulted in a bulging disc. She was off work from January 21, 2004 until March 1, 2004. Though she went back to work, she continued to experience acute pain and went on medical leave again on March 19, 2004. In September, she received permission from her doctor to resume work on the basis of light duty but when she relayed this information to her employer, Chris Bauer, he terminated her. She alleged that she was terminated because of her disability. The respondent refused to positively address her request to return to work by putting her off and refusing to return her phone calls. He ignored any communication from the Commission thus prolonging Ollinger's anxiety regarding her financial situation. In its decision, the Tribunal said, "it appears Bauer was hoping the complaint would disappear once he had lost the business. It displays a cavalier attitude towards a complaint legitimately filed by Ollinger, his best manager as he described her. I find this heightened Ollinger's stress, hurt and attack on her dignity." The Tribunal awarded her $836 in lost wages, plus $6,000 for suffering with respect to feeling, dignity and self-respect.

*Jane Hayes v. Smitty's Family Restaurant Circle Drive and Bahnman*
March 13, 2008

Jane Hayes complained that she was sexually harassed by owner Richard Bahnman at Smitty's Family Restaurant while she was employed there as a server. She said that on two occasions when Bahnman drank excessively, he made inappropriate sexual comments to her and touched her inappropriately. The Tribunal dismissed the complaint stating, "The documents and testimony presented by the respondents severely undermine the complainant's version of the incident or whether it occurred at all."

## POST-TRIBUNAL SETTLEMENT

*Tanya Kenny v. the Government of Saskatchewan (Department of Corrections and Public Safety, Young Offender Services)*
May 30, 2007

Tanya Kenny complained that upon returning to work in August 2002, following a maternity and parenting leave, she was not allowed to resume her previous position as a level 8 youth facility worker. The Department of Corrections required her to return to a level 5 night position, arguing that her former position was a term position which had expired while she was on leave. The evidence established that Kenny's co-workers who had been employed in term appointments all had their terms extended, while Kenny's former position continued to exist and was being filled on a temporary basis at the time of her return to the workplace. Subsequent to the hearing, the parties entered into an agreement which provided that Kenny receive $12,497, less statutory deductions, together with time in lieu of credits, and $850 in judgment interest. Kenny also received $5,000 for injury to dignity. The Government of Saskatchewan also agreed to work with the Commission to develop fact sheets designed to address the issues of job promotions, job openings, term appointments and downsizing which occur while employees are absent from the workforce due to pregnancy or parenting reasons.

## SASKATCHEWAN COURT OF QUEEN'S BENCH

*William Whatcott v. Saskatchewan Human Rights Tribunal*
November 12, 2007

In May of 2005, the Saskatchewan Human Rights Tribunal found that William Whatcott violated *The Saskatchewan Human Rights Code* by distributing flyers which exposed homosexuals to hatred and ridicule. The Tribunal ordered that Whatcott pay $5,000 to three complainants and $2,500 to one complainant as compensation for injury to dignity and self respect. In addition, Whatcott and the Christian Truth Advocates were prohibited from distributing flyers which promote the hatred against homosexuals. Whatcott's appeal to the Saskatchewan Court of Queen's

Bench was dismissed. Whatcott has appealed the dismissal to the Saskatchewan Court of Appeal.

### SASKATCHEWAN COURT OF APPEAL

*P.S.S. Professional Salon Services Inc. v. SHRC and Teresa Hitchings*
December 18, 2007

Teresa Hitchings was terminated from her employment when she attempted to return following a maternity and parental leave. Her employer said that during her leave he had discovered that she was the source of negativity in the workplace. Hitchings complained to the Commission that she had been terminated because of her sex (pregnancy). Her complaint was upheld by the Saskatchewan Human Rights Tribunal on July 8, 2005 and on appeal to the Court of Queen's Bench for Saskatchewan in August of 2006. The employer then successfully appealed to the Saskatchewan Court of Appeal. In its decision of December 18, 2007, the majority of the Court determined that the Tribunal had failed to adequately consider evidence presented by the employer that he had non-discriminatory reasons for Hitching's termination. The Commission has requested leave to appeal the Court of Appeal decision to the Supreme Court of Canada.

## Exemptions

There were 18 exemptions granted in 2007-2008 for a total of 191 active exemptions.

Section 48 of *The Saskatchewan Human Rights Code* gives the Chief Commissioner the authority to grant exemptions from the anti-discrimination provisions of the *Code* in situations where it is considered "necessary and advisable" to do so. The following examples reflect the kind of exemptions granted this year.

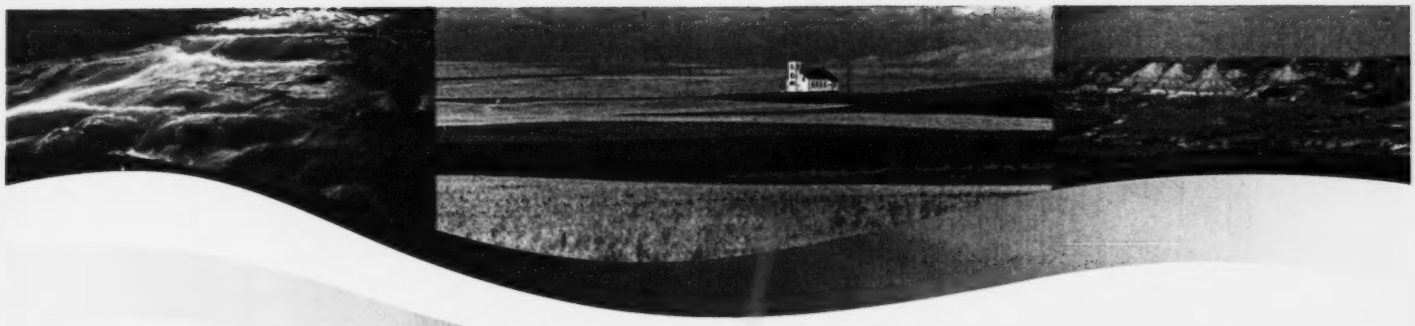
The Riverbend Presbytery's Inner City Ministry was granted an exemption to advertise and hire a person of Aboriginal ancestry for the position of Administrative Support worker. The purpose of the exemption is to help the Ministry build relationships of solidarity, justice and compassion with individuals and core neighbourhood residents in Saskatoon.

The Saskatchewan Aboriginal Literacy Network was granted an exemption to give preference to persons of First Nations and Métis ancestry in the selection of their Board of Directors and members of their organization. This exemption will assist them to include cultural values, teachings, and approaches, as well as languages, in their literacy programming.

Dress for Success Regina was granted an exemption to provide a public service to women only which allows them to serve economically disadvantaged women who are referred by non-profit or government agencies working with women to enter the workforce. This service seeks to eliminate barriers to employment that economically disadvantaged women may face and, accordingly, may be considered a means of promoting equity objectives embodied in *The Saskatchewan Human Rights Code*.

The Saskatoon YWCA was granted an exemption to give preference in recruiting and hiring students of Aboriginal ancestry, visible minority students, and students with disabilities when hiring for the Arts & Activities Coordinator and Childcare Support Staff. This exemption promotes the representation of members of these groups within the complement of summer employees so as to reflect the diversity among children and families being served by the YMCA's summer programming.

Sagehill Community Futures Development Corporation was given an exemption to hire persons of Métis ancestry for the positions of Project Coordinator and Administrative Assistant at the Visitor Reception Centre in Batoche in order to promote and protect the Métis culture, as well as to create economic opportunity for Aboriginal persons.



# The Commissioners

The Chief Commissioner and four part-time Commissioners set policy, liaise with community partners and organizations, give human rights presentations, and make programming decisions. They bring expertise to the Commission on issues pertaining to its mandate.

Chief Commissioner Marilou McPhedran was born and raised in rural Manitoba, and educated at the University of Winnipeg, University of Toronto and Osgoode Hall Law School. She was called to the Bar of Ontario in 1976. Chief Commissioner McPhedran specializes in human rights and health law, with a focus on mechanisms to promote equity and diversity. She is co-founder of several non-profit organizations, including LEAF - the Women's Legal Education and Action Fund, METRAC – the Metropolitan Action Committee on Violence Against Women and Children, and the "always open" Gerstein Crisis Centre for homeless discharged psychiatric patients in Toronto. Ms. McPhedran resigned as the Ariel F. Sallows Chair in Human Rights at the University of Saskatchewan College of Law to accept the chief commissioner appointment, although she continues to teach constitutional law. She was appointed to the Commission in November 2007.

John C. Hill is a member of the Oneida Nation of the Thames near Southwold, Ontario. He received his LL.B. from the University of Saskatchewan and was called to the Bar in Saskatchewan in 1997. Mr. Hill has served as a senior advisor to the Saskatchewan Indian and Métis Affairs Secretariat on Inter-jurisdictional and Aboriginal Affairs, and assisted in the development of the provincial Aboriginal framework policy and the First Nations self-government policy. As well, he represented Saskatchewan as a negotiator in the tri-partite self-government negotiations with the Meadow Lake Tribal Council. A member of the Regina Bar Association, Mr. Hill practiced law with two private firms before establishing his own practice in 2004. He is recognized as a Mediator, having completed Saskatchewan Justice's Civil Mediation Program. He has represented a number of First Nations governments and individuals on governance, treaty rights, economic development and residential school claims. Mr. Hill has also served as a sessional lecturer in Aboriginal Studies at the Saskatchewan Indian Federated College. He sat for three years as a Senior Adjudicator on the federal government's Alternative Dispute Resolution program for claims of former Indian Residential School students. Upon conclusion of that program, Mr. Hill continues as an Adjudicator under the court-sanctioned Independent Assessment Process for continuing Indian Residential School abuse claims. As Acting Chief Commissioner for six months, John Hill ably led the Commission staff on a wide range of files and projects. In particular, he was instrumental to the preparation of the SHRC response to the Government of Canada's decision to vote against adoption of the UN Declaration on the Rights of Indigenous Peoples. Appointed to the Commission in July 2002, Mr. Hill was made Deputy Chief Commissioner in October 2003. His appointment was extended in July 2007.

Judy White, Ph.D., is an associate professor with the Faculty of Social Work at the University of Regina's Saskatoon campus and Counsellor with Family Service Saskatoon. Dr. White was born and raised in Trinidad. After receiving a Bachelor of Arts from the University of the West Indies, she went on to receive a scholarship from the Government of France to pursue social work studies at the Institut de Travail Social et de Recherches Sociales in Montrouge, France. She also pursued studies in the administration

of health and social organizations at the University of Lille II, France. Dr. White has Bachelor of Social Work and Masters of Social Work degrees from the University of Regina, and a doctorate in Social Work from the University of Manitoba. She sits on the board of International Women of Saskatoon and is a member of the Board of Governors of the Prairie Centre of Excellence for Research on Immigration and Integration. She is also involved in collaborative work with other immigrant and refugee serving organizations. Dr. White continued to contribute her expertise to the Commission's work during 2007-2008. This included making herself available to Commission staff in the development of new policies currently under consideration including the rights of transgender persons and the racial terminology project. Dr. White was appointed to the Commission in February 2005.

Mike Bacon, who was born and raised in Saskatoon, graduated from the University of Saskatchewan with a Bachelor of Arts Honours degree in psychology in 1991. He is active as President of the Saskatoon Special Interest Cooperative, a small business loans association, and as a director of the Canadian Wheelchair Sports Association. As one of Saskatchewan's better known athletes, Mr. Bacon remained in training with the Canadian Wheelchair Rugby Team throughout 2007-2008 and continued his work with AccessExperts Consultants, a business concentrating on accessibility audits, awareness training and pre-employment training for persons with disabilities. Appointed to the Commission in 2003, Mike is in demand as a speaker to Grade 6-12 students for Think First Saskatchewan, a foundation dedicated to preventing brain and spinal cord injury through education.

Viviane Janvier was born and raised in La Loche. Of Métis/Dene heritage, she is fluent in the Chipewyan language. Ms. Janvier studied journalism and social work at the University of Regina and the First Nations University of Canada. She is a certified Mediator and Facilitator. Ms. Janvier brings her in-depth understanding of the social issues and history of Aboriginal peoples to her work in community development and community justice initiatives. She has served as a Director for the La Loche Friendship Centre, and worked in management with the La Loche Community Development Corporation. Ms. Janvier was elected an alderperson for the Northern Village of La Loche in October 2003. She also serves on numerous boards and committees, including the La Loche Police Management Board and the Dene Koe' Self Help Council. Ms. Janvier served as Commissioner from October 2003 until June 2007.

left to right: Mike Bacon, Marilou McPhedran, John C. Hill, Dr. Judy White

# APPENDIX A: Community and Educational Outreach Activities

## PRESENTATIONS:

Where more than one presentation was delivered, that number is indicated in parentheses.

### SHRC SEMINARS

The Duty to Accommodate – Saskatoon and Regina
Preventing Discrimination in the Workplace – Saskatoon and Regina
Human Rights in the Workplace – North Battleford and Yorkton

### NORTHERN EXCHANGE III

Athabasca Health Authority, Black Lake
Stony Rapids RCMP
Stony Rapids School
Village of Buffalo Narrows
Village of Stony Rapids

### EDUCATIONAL INSTITUTIONS & ORGANIZATIONS

Gabriel Dumont Institute, Saskatoon
Regina Police College
Saskatchewan Institute for Applied Science and Technology, Saskatoon
Saskatchewan Teachers' Federation, Saskatoon
University of Regina Justice Studies (3)
University of Saskatchewan Department of Sociology, Saskatoon

### PROFESSIONAL, BUSINESS & LABOUR ORGANIZATIONS

Canadian Bar Association, Saskatoon
The Canadian Institute, Toronto
Canadian Union of Public Employees Health Council, Prince Albert
Saskatchewan Federation of Labour, Regina (3)
Saskatchewan Legal Education Society Inc., Regina & Saskatoon (2)
Service Employees International Union, Saskatoon

### EMPLOYERS & GOVERNMENT

City of Saskatoon
Moose Jaw Race Relations Committee
Labour Standards Branch, Saskatchewan Ministry of Advanced Education, Employment and Labour, Saskatoon (2)
Occupational Health and Safety Division, Saskatchewan Ministry of Advanced Education,Employment and Labour, Regina
Saskatoon Police Service

### COMMUNITY-BASED ORGANIZATIONS

International Women of Saskatoon
Open Door Society, Saskatoon (2)
Radius Community Centre, Saskatoon (2)
Saskatchewan Abilities Council, Saskatoon
Saskatchewan Intercultural Association, Saskatoon (4)
South Saskatchewan Independent Living Centre, Regina (3)

### CONFERENCES, PUBLIC CONSULTATIONS & EVENTS

Aboriginal Government Employees Network (AGEN) Conference, Saskatoon
SaskCities Conference, Saskatoon
Saskatchewan Federation of Labour Conference, Regina
Black History Month Celebrations, Regina
Saskatoon 2008 Cultural and Diversity Ceremony

### COMMUNITY OUTREACH

Access Communications Co-operative Limited Program on Seniors, Regina
Anti-racism PSAs, CTV and Global Television
Breaking the Silence Conference, University of Saskatchewan College of Education, Saskatoon
Chains & Links: Human Rights Activism Conference, Saskatoon
City of Regina
City of Saskatoon, Cultural Diversity and Race Relations Committee
Coalition of Municipalities Against Racism and Discrimination December 3rd Committee, Regina
Elizabeth Fry Public Forum: Prisons: Homes by Default
Individuals with Disabilities Equity Alliance (IDEA), Regina
International Day for the Elimination of Racial Discrimination
International Day for People with Disabilities
International Human Rights Day
International Women's Day
National Aboriginal Day, Saskatoon
Regina Anti-Racism Strategy Meeting
Saskatchewan Anti-Racism Network
Saskatchewan Association for Community Living
Saskatchewan Institute of Public Policy, University of Regina
University of Saskatchewan Disability Services, Saskatoon
Window of Diversity, Saskatoon

### NATIONAL AFFILIATIONS

Canadian Association of Statutory Human Rights Agencies (CASHRA)
Canadian Bar Association
Canadian Commission for UNESCO
CASHRA Public Education Partners/Partenaires en éducation publique et populaire (PEP/PEPP)

# APPENDIX B: Equity Sponsors

| EMPLOYERS | DATE APPROVED |
|---|---|
| City of Prince Albert | May 1997 |
| City of Regina | February 1987 |
| City of Saskatoon | February 1987 |
| Community (Saskatoon) Health Services Association | June 1996 |
| Crown Investments Corporation | March 1995 |
| Government of Saskatchewan | |
| • Out of Scope | June 1987 |
| • Saskatchewan Government Employees Union | November 1988 |
| • Canadian Union of Public Employees | July 1989 |
| John Howard Society | June 1996 |
| Information Services Corporation of Saskatchewan | November 2004 |
| Law Society of Saskatchewan | November 1999 |
| Northlands College | September 1995 |
| Parkland Regional College | March 2002 |
| Prince Albert Co-operative Health Centre | October 1991 |
| Regina Police Service | March 1992 |
| Regina Public School Division | March 1994 |
| Regina Women's Community Centre | March 1998 |
| Saskatchewan Apprenticeship and Trade Certification Commission | March 2006 |
| Saskatchewan Communications Network | February 1996 |
| Saskatchewan Crop Insurance Corporation | May 1997 |
| Saskatchewan Gaming Corporation | January 1999 |
| Saskatchewan Government Insurance | February 1984 |
| Saskatchewan Human Rights Commission | January 1980 |
| Saskatchewan Institute of Applied Science & Technology (SIAST) | March 2001 |
| Saskatchewan Legal Aid Commission | March 1994 |
| Saskatchewan Liquor and Gaming Authority | January 1999 |
| Saskatchewan Opportunities Corporation | November 1996 |
| Saskatchewan Research Council | December 199 |
| Saskatchewan Teachers' Federation | January 1991 |
| Saskatchewan Transportation Company | August 1994 |
| Saskatchewan Water Corporation | August 1994 |
| Saskatchewan Watershed Authority | August 1994 |
| Saskatchewan Workers' Compensation Board | February 2006 |
| Saskatoon Police Service | October 2002 |
| SaskEnergy | March 1994 |
| SaskPower | August 1995 |
| SaskTel | October 1992 |
| University of Regina | October 1997 |
| University of Saskatchewan | September 1992 |

| POST-SECONDARY EDUCATIONAL INSTITUTIONS | DATE APPROVED |
|---|---|
| College of Arts and Science, University of Saskatchewan | February 1988 |
| College of Dentistry, University of Saskatchewan | April 1995 |
| College of Medicine, University of Saskatchewan | January 1993 |
| College of Nursing, University of Saskatchewan | January 1991 |
| College of Pharmacy and Nutrition, University of Saskatchewan | August 1994 |
| Gabriel Dumont Institute (GDI) and Saskatchewan Urban Teacher Education Program (SUNTEP) | August 1980 |
| Northern Teacher Education Program (NORTEP) and Northern Professional Access Program (NORPAC) | September 1981 |
| Saskatchewan Institute of Applied Science and Technology | May 1990 |
| School of Physical Therapy, University of Saskatchewan | September 1996 |
| Western College of Veterinary Medicine | September 1997 |

*PRE-KINDERGARTEN TO GRADE 12 SCHOOL DIVISIONS

| | |
|---|---|
| Living Sky | Regina RCSSD |
| North West RCSSD | Saskatchewan Rivers |
| Northern Lights | Saskatoon |
| Prairie Valley | South East Cornerstone |
| Prince Albert RCSSD | St. Paul's RCSSD |

*Approval dates are not given in this section, because the boundaries of many school divisions have been changed by the process of amalgamation.

# Tables

TABLE 1 Summary of Complaints Received April 1, 2007 to March 31, 2008 by Ground and Category

The total number of complaints files: 208

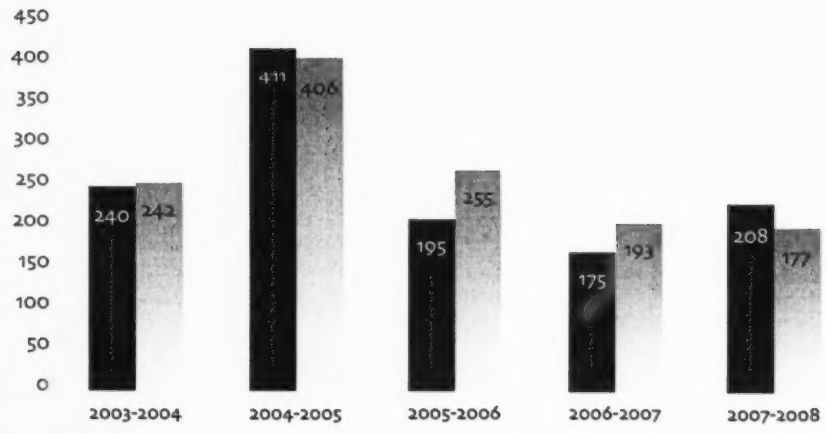
| Category | Age | Aborignal Ancestry [1] | Other Ancestry | Marital Status | Mental Disability | Physical Disability | Religion [2] | Sexual Harassment | Sex/Other | Sex/Pregnancy | Family Status | Sexual Orientation | Public Assistance | N/A | Retaliation | Total Grounds | Grounds Cited |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Application Forms | | | | | | | | | | | | | | 1 | | 1 | 0.4 |
| Education | 1 | | | | | 3 | | | | | | 1 | | | | 5 | 1.9 |
| Employment | 20 | 8 | 21 | 3 | 2 | 80 | 1 | 18 | 5 | 14 | 3 | 3 | | 1 | 5 | 184 | 73.0 |
| Housing | | | 2 | | | 2 | | | | | 1 | | | | | 5 | 1.9 |
| Occupations | | | | | | 1 | | | | | | | | | | 1 | 0.4 |
| Public Services | | 7 | 9 | 2 | | 14 | 1 | 2 | 2 | | 1 | | 2 | | 2 | 42 | 16.6 |
| Publications | | | | | | | 2 | 1 | | | | | | | | 3 | 1.1 |
| Purchase of Property | 1 | | | | | | 1 | | | 1 | 1 | | | | | 4 | 1.5 |
| Trade Unions | 1 | | | | | 1 | | 2 | | | | | | | | 4 | 1.5 |
| Bill of Rights | | | | | | 1 | | | | | | | | | | 1 | 0.4 |
| Contracts | | | 2 | | | | | | | | | | | | | 2 | 0.7 |
| **Total Grounds** | 23 | 15 | 34 | 5 | 2 | 102 | 5 | 23 | 7 | 15 | 6 | 4 | 2 | 2 | 7 | 252 [3] | |
| % of Grounds Cited | 9.1 | 5.9 | 13.4 | 1.9 | 0.7 | 40.4 | 1.9 | 9.1 | 2.7 | 5.9 | 2.3 | 1.5 | 0.7 | 0.7 | 2.7 | | 100% |
| % Total Complaints | 11.2 | 7.3 | 16.6 | 2.4 | 0.9 | 49.8 | 2.4 | 11.2 | 3.4 | 7.3 | 2.9 | 1.9 | 0.9 | 0.9 | 2.8 | | |

[1] Other Ancestry includes colour, nationality, place of origin and perceived race.
[2] Religion includes creed.
[3] Some complaints allege several kinds of discrimination. For this reason, the total number of grounds cited (252) exceeds the total number of complaints filed.

## TABLE 2

**Files Opened and Closed**

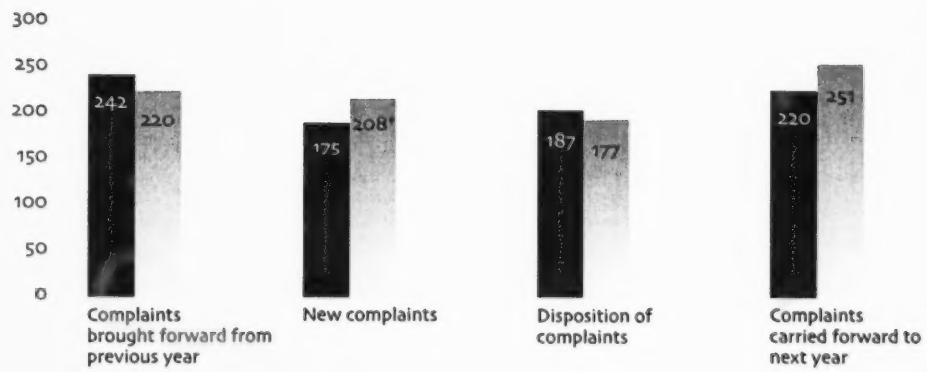
Files opened ■
Files closed ■




## TABLE 3

**Processing of Complaints**

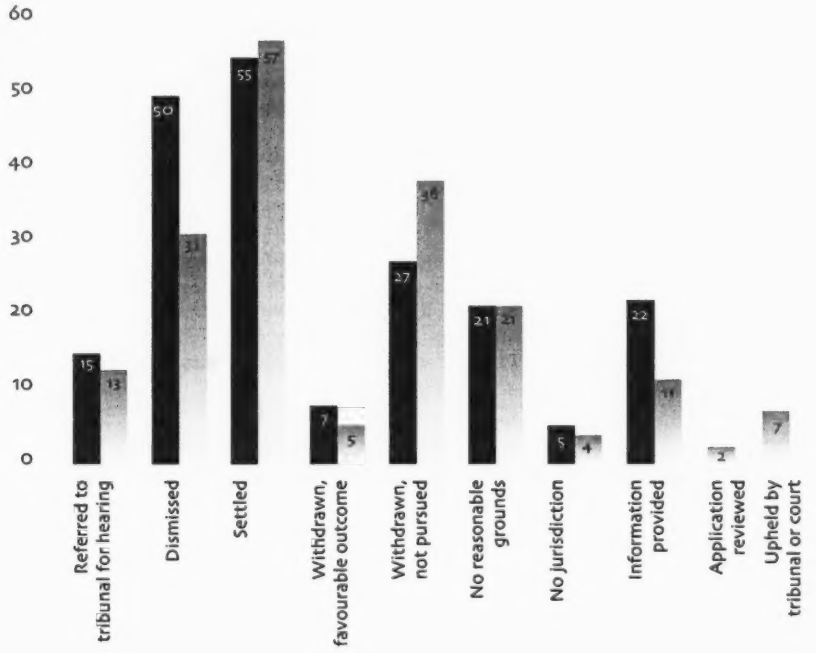
2006-2007 ■
2007-2008 ■




* Three files were re-opened in 2007–2008 which increased the number of files carried forward to 208.

## TABLE 4

**Disposition of Complaint Files**




## FINANCIAL EXPENDITURES

In 2007-2008, the Commission operated with a budget of $1.61 million and a staff of 20.3 full-time equivalents (FTEs)

| | 2003-2004 | 2004-2005 | 2005-2006 | 2006-2007 | 2007-2008 |
|---|---|---|---|---|---|
| FTEs | 17.8 | 17.8 | 20.3 | 20.3 | 20.3 |
| Salaries, benefits and honoraria | $1,093,000 | $1,112,000 | $1,300,000 | $1,382,000 | $1,477,000 |
| Operating expenses | $ 157,000 | $ 194,000* | $ 194,000* | $ 157,000 | $ 132,000 |
| Total | $1,250,000 | $1,306,000 | $1,494,000 | $1,539,000 | $1,609,000 |

* includes $37,000 for the CASHRA conference

# Commission Staff

The work of the Commission is carried out by its professional human rights staff.

In 2007-2008, the Commission had the equivalent of 20.3 full-time employees, including individuals who worked on a full-time, part-time, casual or temporary basis.

## SASKATOON

Laurie Adrian Rude – Investigator
Jan Cadman – Legal Secretary
Linda Charlton– Education & Equity Advisor
Dianne Derkson – Secretary
Lewanna Dubray – Investigator/Facilitator
Rob Edger – Summer Student
Janice Gingell – Senior Staff Solicitor
Lois Henderson – Budget Coordinator
Chantelle Johnson – Policy Analyst & Researcher
Tim Korol – Investigator/Facilitator
Ryan Kennedy – Investigations Secretary
Genevieve Leslie – Supervisor of Public & Special Programs
Marci Macomber – Investigator/Facilitator
*Bev MacSorley – Investigations Secretary
Lorraine Pura – Education & Equity Advisor
Bill Rafoss – Supervisor of Mediations & Investigations
Fiji Robinson – Communications Coordinator
Carol Riekman – Investigator/Facilitator
Brenda Rorke – Human Resources Coordinator
Karen Ross – Secretary to the Commission
Norma Shier – Staff Solicitor
*Karen Topolinski – Investigator/Facilitator
Kathy Upton – Intake Consultant

## REGINA

John Abraham – Investigator/Facilitator
Heidi Chan – Secretary
Laurena Daniels – Intake Consultant
Lisa Donovan – Administrative Secretary
Sue Lake – Budget Coordinator
Rebecca McLellan – Manager of Operations
Robin McMillan – Investigator/Facilitator
Heather Monus – Education & Equity Advisor
Reginald Newkirk – Investigator/ Education & Equity Advisor
Julie Powell – Investigator/Facilitator
Evelyn Romero – Secretary/Receptionist
*Mirjana Topalovic - Secretary

* On leave

www.shrc.gov.sk.ca


SASKATOON
Suite 816, Sturdy Stone Building
122 - 3rd Avenue North
S7K 2H6
Phone: 306-933-5952
Fax: 306-933-7863
Telewriter: 306-373-2119
Toll Free: 1-800-667-9249 (SK only)
E-mail: shrc@gov.sk.ca

REGINA
Suite 301
1942 Hamilton Street
S4P 2C5
Phone: 306-787-2530
Fax: 306-787-0454
Telewriter: 306-787-8550
Toll Free: 1-800-667-8577 (SK only)
E-mail: shrc@gov.sk.ca



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